

LATHAM & WATKINS LLP
Robert W. Perrin (Bar No. 194485)
robert.perrin@lw.com
Michael J. Reiss (Bar No. 275021)
michael.reiss@lw.com
355 South Grand Avenue, Suite 100
Los Angeles, California 90071-1560
Telephone: (213) 485-1234
Facsimile: (213) 891-8763

LATHAM & WATKINS LLP
James E. Brandt (*pro hac vice* forthcoming)
james.brandt@lw.com
885 Third Avenue
New York, New York 10022-4834
Telephone: (212) 906-1200
Facsimile: (212) 751-4864

Attorneys for Nominal Defendant PG&E Corporation

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

OKLAHOMA FIREFIGHTERS PENSION
AND RETIREMENT SYSTEM, derivatively
on behalf of PG&E CORPORATION,

Plaintiff,

v.

LEWIS CHEW, ANTHONY F. EARLEY,
JR., FRED J. FOWLER, RICHARD C.
KELLY, ROGER H. KIMMEL, RICHARD
A. MESERVE, ERIC D. MULLINS,
FORREST E. MILLER, ROSENDO G.
PARRA, BARBARA L. RAMBO, ANNE
SHEN SMITH, JASON P. WELLS,
PATRICK M. HOGAN, AND GEISHA J.
WILLIAMS,

Defendants,

and

PG&E CORPORATION,

Nominal Defendant.

RS

Case No. 4:18-cv-04698-PJH

**STIPULATION AND ~~PROPOSED~~ ORDER
SETTING BRIEFING SCHEDULE**

Honorable Phyllis J. Hamilton

1 **WHEREAS**, on August 3, 2018, Plaintiff Oklahoma Firefighters Pension and Retirement
2 System (“Plaintiff”) filed a shareholder derivative complaint (the “Complaint”) against
3 individual defendants Lewis Chew, Anthony F. Earley, Jr., Fred J. Fowler, Richard C. Kelly,
4 Roger H. Kimmel, Richard A. Meserve, Eric D. Mullins, Forrest E. Miller, Rosendo G. Parra,
5 Barbara L. Rambo, Anne Shen Smith, Jason P. Wells, Patrick M. Hogan, and Geisha J. Williams
6 and nominal defendant PG&E Corporation (collectively, “Defendants”);

7 **WHEREAS**, as reflected in a stipulation filed on August 22, 2018 and lodged with this
8 Court, the parties agree that this action is related to another action pending in this District –
9 *Weston v. PG&E Corporation, et al.*, No. 3:18-cv-03509-RS – and have sought reassignment of
10 this action to the Honorable Richard Seeborg pursuant to Local Rule 3-12;

11 **WHEREAS**, undersigned counsel for Defendants hereby accept service of the Complaint
12 and summons in the above-captioned action on behalf of their respective clients, and
13 acknowledge receipt of such;

14 **WHEREAS**, by authorizing their respective counsel to accept service on their behalf,
15 Defendants are not waiving any defense other than insufficient process and insufficient service
16 of process (Rules 12(b)(4) & (5) of the Federal Rules of Civil Procedure), and Defendants
17 expressly reserve all other defenses;

18 **WHEREAS**, Defendants intend to move to stay this derivative action in light of other
19 pending litigation against PG&E Corporation;

20 **WHEREAS**, the parties agree that Defendants’ motion to stay should be resolved before
21 Defendants are required to respond to the Complaint or any other steps are taken in the litigation;

22 **WHEREAS**, counsel for Plaintiff and Defendants have agreed to a briefing schedule for
23 Defendants’ forthcoming motion to stay;

24 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:**

- 25 1. Defendants shall have forty-five (45) days from this Court’s order entering this
26 stipulation to file a motion to stay (the “Motion”).
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- 2. Plaintiff shall have forty-five (45) days from the filing of Defendants’ Motion to file an opposition brief.
- 3. Defendants shall have twenty-five (25) days from the filing of Plaintiff’s opposition to the Motion to file a reply brief.
- 4. Activity in the litigation shall be stayed until the Court resolves the Motion.
- 5. In the event that the Court denies the Motion, Defendants shall have forty-five (45) days from the date the Motion is denied to respond to the Complaint, and to the extent Defendants do so by motion, Plaintiff shall have forty-five (45) days to oppose and Defendants shall have twenty-five (25) days to file a reply.

Dated: August 27, 2018

LATHAM & WATKINS LLP
Robert W. Perrin (Bar No. 194485)
Michael J. Reiss (Bar No. 275021)

By /s/ Robert W. Perrin
Robert W. Perrin
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
robert.perrin@lw.com
michael.reiss@lw.com

LATHAM & WATKINS LLP
James E. Brandt (*pro hac vice* forthcoming)
885 Third Avenue
New York, NY 10022
Telephone: (212) 906-1200
Facsimile: (212) 751-4864
james.brandt@lw.com

Attorneys for Nominal Defendant PG&E Corporation

Dated: August 27, 2018

MCDERMOTT WILL & EMERY LLP
Charles E. Weir (Bar No. 211091)

By /s/ Charles E. Weir
Charles E. Weir
2049 Century Park East, 38th Floor
Los Angeles, CA 90067
Telephone: (310) 277-4110
Facsimile: (310) 277-4730

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cweir@mwe.com

MCDERMOTT WILL & EMERY LLP

Steven S. Scholes (*pro hac vice*
forthcoming)

444 West Lake Street

Chicago, IL 60606

Telephone: (312) 372-2000

Facsimile: (312) 984-7700

sscholes@mwe.com

*Attorneys for Defendants Geisha J.
Williams, Jason P. Wells, Anthony F.
Earley, Jr., and Patrick M. Hogan*

Dated: August 27, 2018

SIMPSON THACHER & BARTLETT LLP

James G. Kreissman (Bar No. 206740)

Elizabeth H. White (Bar No. 291439)

By /s/ James G. Kreissman

James G. Kreissman

2475 Hanover Street

Palo Alto, CA 94304

Telephone: (650) 251-5080

Facsimile: (650) 251-5002

jkreissman@stblaw.com

elizabeth.white@stblaw.com

SIMPSON THACHER & BARTLETT LLP

Paul C. Curnin (*pro hac vice* forthcoming)

425 Lexington Avenue

New York, NY 10017

Telephone: (212) 455-2000

Facsimile: (212) 455-2502

pcurnin@stblaw.com

*Attorneys for Defendants Lewis Chew, Fred
J. Fowler, Richard C. Kelly, Roger H.
Kimmel, Richard A. Meserve, Eric D.
Mullins, Forrest E. Miller, Rosendo G.
Parra, Barbara L. Rambo, and Anne Shen
Smith*

Dated: August 27, 2018

BERMAN TABACCO

Nicole Lavallee (Bar No. 165755)

Daniel E. Barenbaum (Bar No. 209261)

By /s/ Daniel E. Barenbaum

Daniel E. Barenbaum

44 Montgomery Street, Suite 650

San Francisco, CA 94104

Telephone: (415) 433-3200

Facsimile: (415) 433-6382

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nlaallee@bermantabacco.com
dbarenbaum@bermantabacco.com

BERMAN TABACCO

Leslie R. Stern (*pro hac vice* forthcoming)
Nathaniel L. Orenstein (*pro hac vice*
forthcoming)
One Liberty Square
Boston, MA 02109
Telephone: (617) 542-8300
Facsimile: (617) 542-1194
lstern@bermantabacco.com
noreinstein@bermantabacco.com

*Attorneys for Plaintiff Oklahoma
Firefighters Pension and Retirement System*

~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED that:

1. Defendants shall have forty-five (45) days from this Court's order entering this stipulation to file a motion to stay (the "Motion").
2. Plaintiff shall have forty-five (45) days from the filing of Defendants' Motion to file an opposition brief.
3. Defendants shall have twenty-five (25) days from the filing of Plaintiff's opposition to the Motion to file a reply brief.
4. Activity in the litigation shall be stayed until the Court resolves the Motion.
5. In the event that the Court denies the Motion, Defendants shall have forty-five (45) days from the date the Motion is denied to respond to the Complaint, and to the extent Defendants do so by motion, Plaintiff shall have forty-five (45) days to oppose and Defendants shall have twenty-five (25) days to file a reply.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

8/29/18

Date



Hon. ~~Phyllis J. Hamilton~~ Richard Seeborg
United States District Judge